

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-0049 PA (MAAx)	Date	September 14, 2023
Title	Elliott Erwitt, LLC v. Sugar Factory, LLC, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
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Kamilla Sali-Suleyman	N/A	N/A
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Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE

Plaintiff Elliott Erwitt, LLC is a New York limited liability company, defendant Sugar Factory Brands, LLC (formerly “Sugar Factory, LLC”) is a Florida limited liability company, and defendants Charissa and Steve Davidovici appear to be residents of Florida. Accordingly, the Court orders the parties to show cause in writing why this action should not be transferred to the United States District Court for the Southern District of New York (“Southern District of New York”), the United States District Court for the Southern District of Florida (“Southern District of Florida”), or another forum identified by the parties, for the convenience of the parties and witnesses, and in the interest of justice. See 28 U.S.C. § 1404. All factual matters relied upon in the parties’ submissions must be supported by appropriate declarations and admissible evidence.

To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the Southern District of New York or the Southern District of Florida;
2. Whether venue is appropriate in the Southern District of New York or the Southern District of Florida;
3. What contacts, if any, each of the parties has to the United States District Court for the Central District of California (“Central District”), the Southern District of New York, and the Southern District of Florida;
4. What connection(s), if any, Plaintiff’s claims have to the Central District, the Southern District of New York, and the Southern District of Florida;

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5. Which witnesses are expected to be called and where they reside;
6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the Southern District of New York and the Southern District of Florida;
7. The ease of access to sources of proof in each of the forums;
8. The expected difference in the cost of litigation in the Central District as compared to the Southern District of New York and the Southern District of Florida;
9. Whether transfer to the Southern District of New York or the Southern District of Florida would be in the interest of justice or promote the efficient use of judicial resources; and
10. Whether there are any alternative forums, other than the Southern District of New York and the Southern District of Florida, that would be more convenient for this action, keeping in mind the foregoing inquiries.

The parties are ordered to each file a written response to this Order to Show Cause by no later than **October 5, 2023**. Failure to timely and adequately respond by that date may result in the transfer of this action without further warning.

IT IS SO ORDERED.